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petition to this Commission as contemplated by the federal. 47 U.S.C.§ 214(e)(2). In Staff's view, state commissions could designate an entity not regulated by the Commission as an ETC, and such designation of ETC status does not constitute a regulation of service.

Staff states that the legislature, in enacting RSA 374:22-p, the state USF program, clearly contemplated that a cellular provider would be eligible for designation as a state USF provider. Staff points out that RSA 374:22-p IV(c) defines "providers of intrastate telephone services" to include CMRS providers, thus requiring cellular providers to contribute to the state USF. RSA 374:22-p IV(a). RSA 374:22-p IV(a) and 374:22-p IV(b)(3) also require the Commission to implement the state USF in a manner "consistent with the goals of applicable provisions of this title and the Federal Telecommunications Act." Id. Staff notes that under the federal law, cellular providers pay into the USF and are eligible for designation as an ETC. Staff argues that for the state program to operate consistently with the federal program, the legislature contemplated that cellular providers, which would be paying into the state USF, would be eligible for designation as an ETC under the state USF program. Staff argues that in both cases, the Commission should be the regulatory authority to make such designation.

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Staff points out that RCC petitioned the Commission in the first instance because it was willing to submit to the Commission's jurisdiction for the purpose of being designated as an ETC. Staff argues that the Commission, in asserting jurisdiction over RCC, could stipulate with RCC regarding its conduct as an ETC provider in this state. Staff points out that if the Commission affirmatively finds that it lacks jurisdiction in this matter, the FCC could grant RCC's petition without any conditions recognizing the characteristics of the market that are unique to New Hampshire. Staff argues that accepting jurisdiction of this matter and proceeding toward a stipulation imposing conditions on RCC would be in the public interest, and would permit the Commission to deliberate the request to change the geographical territory of GST in the same proceeding. Staff concludes that the Commission has jurisdiction in this matter and should accept RCC's petition for action.

# III. COMMISSION ANALYSIS

The question of the Commission's jurisdiction in this case is a question of law. Consequently, while the public policy arguments advanced by many of the Parties in this case may be compelling, we do not have a basis in this instance to "take" jurisdiction over this petition simply because we believe we are in the best position to determine whether it is in the public interest of New Hampshire customers to designate an entity as an

ETC. Jurisdiction must be based on a finding that an enabling statute or other New Hampshire statutory law delegates to the Commission the authority to regulate cellular carriers. We find that we do not have such authority over RCC's petition for ETC designation.

PUC is a creation of the legislature and as such is endowed with only the powers and authority which are expressly granted or fairly implied by statute." Appeal of Public Service Company of New Hampshire, 122 NH 1062, 1066 (1982). Consequently, the Commission must look to its statutory authority to determine whether it has jurisdiction over cellular providers. RSA 362:6 expressly states that it does not. A cellular provider is not a public utility, and its "services shall not be subject to the jurisdiction of the public utilities commission pursuant to this title." RSA 362:6. We therefore must conclude that the Commission does not have jurisdiction over any cellular carrier because the New Hampshire legislature specifically removed cellular carriers from the jurisdiction of this Commission.

RCC, the ITCs and UTC argue that, notwithstanding RSA 362:6, federal law authorizes the Commission to designate any provider of telecommunications service as an ETC as long as such provider meets the requirements of the law. 47 U.S.C. \$ 214(e)(6). They argue that while the Commission cannot regulate

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the services of a cellular provider, it is not prohibited from designating a cellular provider as an ETC. We disagree.

Designation is posed as not constituting regulation but, in fact, designation is the equivalent of one of the traditional forms of regulation, that is, regulation over entry. By accepting RCC's petition, the Commission would be asserting jurisdiction over RCC, albeit in a limited capacity, which is prohibited by RSA 362:6.

RCC argues that the Commission should look beyond the narrow reading of RSA 362:6 and focus on its interplay with other New Hampshire laws. RCC states that the legislature, in enacting the state USF law, provided some authority to the Commission over cellular providers. RSA 374:22-p, IV(c). RCC asserts that the inclusion of cellular carriers in the category of eligible state USF providers, the requirement that such carriers contribute to any established state USF and the requirement that any state USF program be consistent with the Telecommunications Act should lead the Commission to conclude that the legislature intended to give it "some authority" over cellular providers.

We do not accept this argument. RSA 374:22-p,II recognizes the limitations on the Commission by RSA 362:6 by providing that "[s]ubject to RSA 362:6" the Commission shall require providers of instate telephone services to participate in certain outreach programs. Had the legislature decided to remove

the limitation on the Commission's jurisdiction when it enacted RSA 374:22-p in 2001, it could have done so. Instead, the legislature explicitly acknowledged that the Commission had no jurisdiction over cellular providers. For that reason, RCC's claim that the legislature intended to give the Commission jurisdiction over cellular providers by requiring a state USF program to be consistent with the Telecommunications Act (where cellular providers can be designated as USF providers) is not persuasive.

The ITCs argue that the Commission has implied jurisdiction over cellular providers such as RCC, citing Appeal of PSNH, 130 NH 285, 291 (1988). In that case, the disputed issue was whether the Commission had jurisdiction to grant long term rates for the purchase by PSNH of power from small power producers. As noted by the New Hampshire Supreme Court, however, the facts demonstrated "a rare instance of State and federal legislative coincidence" where both the Federal and State legislatures "enacted provisions to diversify electrical power production through the encouragement of small power producers and cogenerators." Id at 287.

The Commission finds no "legislative coincidence" between the RSA 362:6 and the provisions of Telecommunications

Act (47 U.S.C. § 214(e)(2). In fact, Congress contemplated that a carrier not subject to the jurisdiction of a state commission

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could be eligible for designation as an ETC. In 1997, it amended the Telecommunication Act to provide that, in such a case, it is the FCC, not the state commission, that would have jurisdiction over such designation. 47 U.S.C. 214(e)(6)<sup>1</sup>

The ITCs also argue that the Commission should take jurisdiction because RCC has petitioned to redefine the rural service area of GST, a public utility subject to the Commission's jurisdiction. The ITCs point out that the Commission would have to respond to the request to redefine GST's service area pursuant to FCC rules (47 C.F.R. §54.207). The ITCs argue that if this petition goes to the FCC, the FCC will still have to seek the agreement of the state to redefine GST's service area. They state that since redefinition of the service area is dependent on the designation of RCC as an ETC, the Commission could take jurisdiction of the designation as ancillary to the take of service area redefinition.

We share the ITCs' concern about the petitioned redefinition of GST's service area. However, should RCC petition the FCC for designation as an ETC, the Commission will still have an opportunity to determine whether the redefinition of GST's

As pointed out by Verizon in its memorandum of law, RCC had petitioned the FCC for designation as an ETC after the Alabama Public Service Commission had determined it had no jurisdiction over RCC. See in the Matter of Federal State Joint Board on Universal Service; RCC Holdings, Inc. Petition for Designation as an Eligible Telecommunications Carrier Throughout its Licensed Service Area in the State of Alabama, Memorandum and Order, CC Docket No. 96-45, 17 FCC Rcd 23532, 2002 (November 27, 2002).

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service area is in the public interest. See 47 C.F.R. § 54.207(d)(2). Consequently, even if it were possible to take

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jurisdiction that does not exist, we do not have to do so to assure that redefinition of GST's service area is consistent with the public interest.

While we agree with those parties who believe that the Commission is in a better position than the FCC to determine the eligibility and designation of cellular providers as ETCs in New Hampshire, it is the state legislature, not this Commission, which must take steps to authorize those determinations through an amendment to RSA 362:6.

# Based upon the foregoing, it is hereby

ORDERED, that the Commission, based on RSA 362:6, has no jurisdiction over RCC's petition to be designated as an ETC in the State of New Hampshire, and it is

FURTHER ORDERED, that this Order shall constitute an affirmative statement that this Commission lacks jurisdiction to designate RCC as an ETC in the State of New Hampshire.

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By order of the Public Utilities Commission of New Hampshire this fifth day of December, 2003.

Thomas B. Getz Chairman Susan S. Geiger Commissioner Graham J. Morrison Commissioner

Attested by:

Michelle A. Caraway Assistant Executive Director

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

www.dpa.stela.ug.us

PUBLIC SERVICE COMMISSION

GARRY A. BROWN .
Chebran
PATRICIA L. ACAMPORA
MAURICIA R. HARRIS
ROBERT E. CERRY SL.
JAMES L. LAROCCA



PETER MoGOWAN Control Control

JACLYN A. BRILLING

July 28, 2010

# TO WHOM IT MAY CONCERN:

Re: i-wireless CMRS Jurisdiction

We have received a letter from i-wireless, LLC (i-wireless), requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over CMRS providers for the purpose of making determinations regarding Eligible Telecommunications Carrier designations under section 214 (a)(6) of 47 U.S.C. In response to this request, please be advised that section 5 (6)(a) of the New York State Public Service Law provides that:

Application of the provisions of this chapter to cellular telephone services is suspended unless the commission, no sooner than one year after the effective date of this subdivision, makes a determination, after notice and hearing, that suspension of the application of provisions of this chapter shall cease to the extend found necessary to protect the public interest.

The New York State Public Service Commission has not made a determination as of this date that regulation should be reinstituted under section 5 (6)(a) of the Public Service Law. Consequently, based on the representation by i-wireless that it is a mobile virtual network operator reselling wireless services, i-wireless would not be subject to New York State Public Service Commission jurisdiction for the purpose of making an Eligible Telecommunications Carrier designation.

Very truly yours.

Assistant Comment

# STATE OF NORTH CAROLINA UTILITIES COMMISSION RALEIGH

DOCKET NO. P-100, 8UB 1330

# BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

in the Matter of		
Designation of Carriers Eligible for Universal	)	
Carrier Support	)	ORDER GRANTING PETITION

BY THE COMMISSION: On August 22, 2009, North Caroline RSAS Cellular Telephone Company, this Caroline West (Caroline West), a commercial mobile radio service (CMRS) provider, filed a Petition seeking an affirmative declaratory ruling that the Commission lacks juriediction to designate CMRS carrier eligible telecommunications carrier (ETC) status for the purposes of receiving federal universal service support.

in support of its Petition, Caroline West stated that it was a CMRS provider authorized by the Federal Communications Commission (FCC) to provide calcular mobile radio telephone service in North Carolina, and that the FCC had clearly recognized that CMRS carriers such as Carolina West may be designated as ETCs. ETC status is necessary for a provider to be eligible to receive universal service support. Section 214(a)(5) of the Telecommunications Act provides that if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC is charged with making the ETC determination. The FCC has stated that, in order for the FCC to consider requests pursuant to this provision, a carrier must provide an "affirmative statement" from the state commission or court of competent jurisdiction that the state lacks jurisdiction to perform the designation. To date, several state commissions have declined to scende such jurisdiction.

North Caroline has excluded CMRS form the definition of "public utility." See, G.S. 62-3(23)). Pursuant to this, the Commission issued its Order Concerning Deregulation of Wireless Providers in Docket Nos. P-100, Sub 114 and Sub 124 on August 28, 1995, concluding that the Commission no longer has jurisdiction over cellular services. Accordingly, Caroline West has now requested the Commission to issue an Order stating that it does not have jurisdiction to designate CMRS carriers ETC status for the purposes of receiving federal universal service support.

WHERELIPON, the Commission reaches the following

### CONCLUSIONS

After careful consideration, the Commission concludes that it should grant Carolina West's Petition and issue an Order stating that it lacks jurisdiction to designate ETC status

for CMRS carriers. As noted above, in its August 25, 1995, Order in Docket Nos. P-100, 8ub 114 and 8ub 124, the Commission observed that G.S. 62-6(23), enacted on July 29, 1995, has removed cellular services, radio common certiars, personal communications services, and other services then or in the future constituting a mobile radio communications services from the Commission's jurisdiction. 47 USC 2(41) defines a "state commission" as a body which "has regulatory jurisdiction with respect to the intrastate operation of certifiers." Pursuant to 47 USC 214(e)(5), it a state commission determines that it lacks jurisdiction over a class of centers, the FCC must determine which certifier in that class may be designated as ETCs. Given these aircumstances, it follows that the Commission lacks jurisdiction over CMRS services and the appropriate veryus for the designation of ETC status for such services is with the FCC. Accord. Order Granting Pattion, ALLTEL Communications, inc., June 24, 2008.

IT 18. THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003,

NORTH CAROLINA UTILITIES COUMSSION

Patricia Swenson, Deputy Clark

# REPORT THE TEXTESSEE REGULATORY AUTEORITY

# NASEVILLE, TENNESSEE

April 11, 2003

IN KE	}		
APPLICATION OF ADVANTAGE CHLULAR SYSTEMS, INC. TO BE DESIGNATED AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER	DOCKET NO. 42-01245		
ORDER			

This matter came before Cindense Sure Kyle, Director Deborah Taylor Tate and Director Pet Miller of the Teconome Regulatory Authority (the "Authority"), the veting pract meigned in this decire, at the regularity scheduled Authority Confirmes held on Jerrary 27, 2003, for consideration of the Application of Advantage Calinder Systems, Inc. To Be Designated As An Elliptic Telecommunications Carrier ("Application") filed on November 21, 2002.

# Recknowed

Advantage Callular Systems, Inc. ("Advantage") is a communical analysis radio survice provider ("Chiff.8") analysis designation as an Highbie Telecommunications Center ("BTC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its Application, Advantage asserts that it sucks BTC states for the cetter study sees of Deixib Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage metabolics that it mosts all the assertancy sequitospaces for BTC states and families is eligible to receive universal service respect throughout its service area.

# The James 27, 2003 Authority Conference

During the regularly enhanced Anthoday Combounce on Justice 27, 2003, the punit of Dissums assigned to this docket deliberated Adventure's Application. Of frameout equilibration was the issue of the Anthoday's jurisdiction. The posed unreducedly fraud that the Anthoday include

judeficion over Advertup for BIC designation purposes.

This conclusion was implicitly premied on Tean. Code Ann. § 654-104, which provides

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The Authority has general supervisory and regulatory power, judicities and control over all public stilling and also over their property, property rights, halfitles, and financions, so for an away he measury for the purpose of entrying out the provisions of the chapter.

For purposes of Team, Code Assa. § 65-4-104, the definition of public willities specifically excitable. ith certain exceptions not referent to this saw, "fajoy individual, partnership, coperincially, erico antionizad by the faderal communications commission." ecolotica, ecoperation or joint stock company afficing dominate politic cellular selle telephone

xvise support are not subject to a sum regulatory commission's joristicism, 47 U.S.C. § 214(e)(6) think additiones the provision of universal service. Where common carriers peaking universal attactions the Federal Communications Commission (FCCT) to perform the  ${\tt KTC}$  designation.  $^{f 2}$ The Authority's lack of Judellation over CARS purchies implicates 47 U.S.C. § 214(s).

<sup>(6)</sup> Common continue not subject to state communitation for helicity

It the sens of a common market providing inhydrous confings named and confings named for a stable of the principle of the New Assemblies, the Commission and Common for the Stable of th

As a matter of "state-federal country," the PCC requires that country seaking ETC designation.

"Stat country with the state commission to give the state commission as opportunity to interpret state law."

Most counters that are not subject to a state regulatory commission's judication scaling EUC designation must provide the PCC "with an affirmative statement from a count of competent included on the state commission that it lasts judicibilities to perform the designation."

The panel noted that the FCC is the appropriate firms for Advantage to pursue ETC status, pursuent to 47 U.S.C. § 214(a)(6). This Order shall surve as the above magnituded affirmative statement required by the FCC.

# IT IS THEREDORE ORDERED THAT

The Application of Advantage Collabor Sparses, Inc. To Designated As An Eligible Telecommunications Corrier is dismissed for inch of subject contact patellicities.

. .

Deborak Toylor Tate, Dispetor

Revenue News

The Sta Matter of Pederal-State Notes St. on Universal Service, CC Statlest No., 96-45, Profile Report and Order Manuscratulus Optoign and Order; and Paraller Notice of Proposed Submoting, 15 F.C.C.S. 12208, 12264, § 11

<sup>&</sup>lt;sup>4</sup> For M. (The <sup>6</sup>elficantive statement of the scale commission may combit of any fiely makes had, before, unquest, a cote considerion order inflicating that A. Incise justicities to perfect designations over a particular content.")

#### COMMONWEALTH OF VIRGINIA

# STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 9, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC970135

Ex Parte, in re: Implementation of Requirements of \$ 214(e) of the Telecommunications Act of 1996

IN RE:

APPLICATION OF VIRGINIA CELLULAR ILC

CASE NO: PUC010263

For designation as an eligible telecommunications provider under 47 U.S.C. § 214(e)(2)

#### ORDER

On September 15, 1997, the State Corporation Commission ("Commission") established the docket in Case No. FUC970135 to consider the requests of local exchange carriers ("LECs") to be designated as eligible telecommunications carriers ("ETC designation") to receive universal service support pursuant to \$ 214(e) of the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq., ("Act") and associated Federal Regulations. The Commission's exercise of its jurisdiction under § 214(e)(2) of the Act has been to establish a simple and streamlined process for telecommunications carriers to certify their eligibility with a minimum of regulatory burden placed upon each applicant.

<sup>1 47</sup> C.F.R. \$ 54.201-207.

All Virginia carriers receiving an BTC designation have merely been required to file an affidavit which, among other matters, certifies that all requirements of the Act for designation are met.<sup>2</sup>

Until the above-captioned Application was filed in Case
No. PUC010263 by Virginia Cellular LLC ("Virginia Cellular" or
"Applicant") for ETC designation, these proceedings have been
uncontested. This is the first application by a Commercial
Mobile Radio Service ("CMRS") carrier for ETC designation.

Pursuant to the Order Requesting Comments, Objections, or
Requests for Hearing, issued by the Commission on January 24,
2002, the Virginia Telecommunications Industry Association
("VTIA") and NTBLOS Telephone Inc. ("NTELOS") filed their
respective comments and requests for hearing on February 20,
2002. Virginia Cellular filed Reply Comments on March 6, 2002.

The comments of NTELOS and VTIA both contest the sufficiency of the Application and claim Virginia Cellular has

<sup>&</sup>lt;sup>2</sup> See Order issued November 21, 1997, in Case No. FUC970135, pp. 2-4 ("November 21, 1997, Order"). Also, the annual certification procedure to comply with 47 C.F.R. \$5 54.313 and 314 has been reduced to filing a form affidavit approved by the Commission in a Preliminary Order, issued August 29, 2001, in Case No. FUC010172.

Jurginis Cellular is a CMRS carrier as defined in 47 U.S.C. \$ 153(27) and is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area, serving the counties of Rockingham, Augusta, Melson, and Highland and the cities of Harrisonburg, Staunton, and Maynesboro.

<sup>\*</sup> On March 4, 2002, Virginia Cellular filed a Consent Motion requesting until Harch 6, 2002, to file Reply Comments. There being no objection, we now grant the Consent Motion.

failed to demonstrate how the public interest will be served. 
NTELOS and VTIA each allude in their comments to other expected applications for ETC designation by wireless and CLEC carriers to follow this case of first impression. For that reason, we are asked by VTIA and NTELOS to convene a hearing and establish certain standards for the provisioning of the nine services specified in 47 C.F.R. § 54.101. Bach applicant is required to provide these nine services to be eligible for ETC designation.

VTIA further comments that "[i]t is not clear how the designation of Virginia Cellular as an ETC will affect the distribution of Universal Funds to the existing carriers in any given rural exchange area." Virginia Cellular replies that this "macroeconomic concern" need not be addressed with this Application. Rather, the Federal Communications Commission ("FCC") and the Federal State Joint Board on Universal Service

<sup>&</sup>lt;sup>5</sup> § 214(e)(2) of the Act requires that an ETC designation in areas served by a rural telephone company be based upon a finding that the designation is in the public interest. The Commission did recognize in its November 21, 1997, Order that any carrier seeking ETC designation in a rural area would have the burden of proving that such designation is in the public interest if challenged. Virginia Cellular is seeking ETC designation in the service territories of the following rural telephone companies: Shenandoah Telephone Company ("Enemandoah"), Clifton Forge Waynasborn Telephone Company ("WTELOS"), New Rope Telephone Company, Boxth River Cooperative, Highland Telephone Cooperative, and Hountain Grove-Williamsville Telephone Company ("MOR").

The nine services required to be offered include: voice grade access to the public switched network; local usage; dual tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance; and toll limitation for qualifying low-income consumers. Also, the services must be advertised in appropriate media sources. Bee In Re: Federal-State Joint Board of Universal Service, Report and Order, CC Docket No. 95-45, [ 145 (Nay 8, 1957) ["Universal Service Report 4 Order").

are reported by Virginia Cellular to be conducting ongoing proceedings to ensure the solvency of the high-cost support fund. Presumably, VTIA views any public interest served by Virginia Cellular's STC designation to depend upon whether there would be a consequent diminution of universal service funds.

Virginia Cellular cites the authority of \$ 214(e)(6) of the Act for this Commission to send Applicant to the PCC for ETC designation if this Commission declines to act on its Application. In its Reply Comments, Virginia Cellular reports that the "FCC has been actively processing ETC applications on behalf of states which have declined to exercise jurisdiction [over CMRS carriers]. Its internal processing time has been six months, and it has met that timeline in almost all of its proceedings [and] . . . most, if not all of the issues raised by the commenters have been previously addressed by the FCC in its prior orders involving applications for ETC status."

The Commission finds that § 214(e)(5) of the Act is applicable to Virginia Cellular's Application as this Commission has not asserted jurisdiction over CMRS carriers and that the

<sup>&#</sup>x27; Reply Comments at p. 5.

<sup>\*</sup>Pursuant to \$ 332(c)(3), 47 U.S.C. \$ 332(c)(3), state regulation of the entry of or the rates charged by any commercial mobile service or any private mobile service is preempted. The Commission has deregulated all Virginia radio common carriers and cellular mobile radio communications carriers. See Pinal Order issued October 23, 1995, Case No. PUC950062.

<sup>&</sup>lt;sup>2</sup> Reply Comments at p. 3.

Applicant should apply to the FCC for ETC designation. The Applicant points out that if Virginia Cellular is designated as an ETC carrier, then the Commission must redefine the service areas of NTBLOS and Shenandoah, pursuant to 47 C.F.R.

\$ 54.207(c). The Applicant has indicated a willingness to propose a plan to redefine these companies' service areas and may submit such a plan with its application to the FCC for ETC designation.

If necessary, this Commission will participate with the FCC and Federal-State Joint Board in redefining the service areas of NTELOS and Shenandoah for "the purpose of determining universal service obligations and support mechanisms." (47 C.P.R. 5 54.207(a))<sup>12</sup> Although the FCC will make the final determination on Virginia Cellular's requests, we need to leave this docket open in case there is additional action we must take with respect to defining the service areas of NTELOS and Shenandoah. 13

<sup>&</sup>lt;sup>18</sup> The action is similar to that taken by the Commission in Case No. PUC010172 in its August 29, 2001, Order that required cooperatives to certify directly with the PCC.

<sup>&</sup>quot;The Commission believes that the service area of MGM does not necessarily need to be redefined if Virginia Cellular is designated as an BTC in that territory. However, if the PCC determines otherwise, the Commission will consider additional action if necessary.

Pursuent to 47 C.F.R. § 54.207(c), if the Applicant proposes to redefine these two companies' service areas, the PCC's procedures require the Commission's agreement on the definitions.

<sup>&</sup>lt;sup>12</sup> At this juncture, it is unclear whether the Commission will need to address the redefinitions once disaggregation plans are filed at the FCC pursuant to 47 C.F.R. § 54.315(a).

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that Virginia Cellular should request the FCC to grant the requested ETC designation, pursuant to 47 U.S.C. \$ 214(e)(6).

Accordingly, IT IS ORDERED THAT Case No. PUC010263 will remain open for further order of the Commission.

AN ATTESTED COFY hereof shall be sent by the Clerk of the Commission to: all LECs certified in the Commonwealth of Virginia, as set out in Appendix A of this Order; David A. LaFuria, Esquire, Lakas Nace Gutierrez & Sachs, 1111 Mineteenth Street, N.W., Suite 1200, Mashington, D.C. 20036; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; William F. Caton, Acting Secretary, Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Washington, D.C. 20554; and the Commission's Office of General Counsel and Division of Communications.

# **EXHIBIT 2**



# FREE PHONE AND FREE SERVICE ACT NOW – LIMITED SUPPLY

Dear Current Resident of Maryland,

You have been selected to receive a special offer for a FREE wireless phone and FREE wireless minutes at NO cost to you. This special offer requires no contract, no credit check, and no monthly bill. Cintex has been authorized by the Maryland Public Utilities Commission to offer this service which helps people in need receive telephone service.

At no cost to you, Cintex will provide the following service:

- Free Wireless Phone
- Free Monthly Minutes for a Year
- Free Caller ID, Call Waiting, Call Forwarding, 3-Way Calling and Voicemail

To qualify for this program you must participate in **at least one** government program. The government program(s) that qualify you for this special offer are the following:

- Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Supplemental Security Income (SSI)
- Temporary Cash Assistance (TCA)
- Electric Universal Service Program (EUSP)
- Medical Assistance (MA)
- Public Assistance to Adults (PAA)
- Temporary Disability Assistance Program (TDAP)
- Maryland Energy Assistance Program (MEAP)

To receive this special offer, follow three simple steps:



Fill out the enclosed application

– we've provided an additional
form for family or friends that
may also qualify.



Sign the application and mail it to Cintex in the enclosed envelope (no postage necessary), or Fax to (301) 761-1625



Wait for your phone.

If you have questions regarding this process or would like additional information, please call 1-800-826-0337 or visit www.CintexWireless.com.

# **ATTACHMENT 2**



March 14, 2012

FILED/ACCEPTED

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12<sup>th</sup> Street, SW
Room TW-A325
Washington, DC 20554

MAR 14 2012

Federal Communications Commission Office of the Secretary

Re:

Revised Compliance Plan of Cintex Wireless, LLC; WC Docket

No. 09-197, WC Docket No. 11-42

Dear Ms. Dortch:

Enclosed please find an original and four copies of Cintex Wireless, LLC's ("Cintex") Revised Compliance Plan. Cintex filed its original plan on February 21, 2012. The plan is being filed to satisfy requirements set forth in Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42; WC Docket No. 03-109; CC Docket No. 96-45; WC Docket No. 12-23 (rel. February 6, 2012).

Please date stamp the enclosed extra copy of this transmittal letter.

If you have any questions, please contact the undersigned at (301) 363-4306.

Regards.

Robert Felgar General Counsel

Cintex Wireless, LLC

cc:

Kimberly Scardino Divya Shenoy

Enclosure